

Claim No. 17 4023

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that KARL M. SMITH
(name of claimant)
of HOLBROOK RT. MALAD ID. 83252, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) GROUND WATER
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|----------------|-----|--------------|----------------|------|-------------|----|---------------|
| Amount | <u>.04 cfs</u> | Use | <u>STOCK</u> | Period of Use: | From | <u>JAN1</u> | To | <u>DEC 31</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
- (cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: .04 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) MAY 1 1955

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ NW ¼, Sec. 16 Twp. 15S Rge. 33E B. M. County of ONEIDA
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 6 inch well 50 ft. deep punmped
by a windmill. STEEL TROUGH 1500 GAL. CAPACITY

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: 200 head beef cattle, 30 head of horses.

- (7) If you are claiming water as a member of an organization, list name of organization: _____

A hand-drawn map on a grid. The grid consists of solid lines forming a 10x10 grid of squares, with dashed lines forming a 20x20 grid of smaller squares. The following points are marked:

- R. 33E**: Located at the top center of the grid, spanning the 5th and 6th columns from the left.
- well**: Located in the upper-middle section of the grid, at the intersection of the 5th and 6th columns and the 3rd and 4th rows from the top.
- T. 15S**: Located in the lower-left section of the grid, spanning the 3rd and 4th columns from the left and the 7th and 8th rows from the top.
- 16**: Located in the lower-right section of the grid, at the intersection of the 6th and 7th columns from the left and the 7th and 8th rows from the top.

Received by MB Date 6-20-75 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by WR Date 6-20-75 claimant by: _____
\$10.00 fee received by MB Date 6-20-75
Approved for publication by Reel 7-11-75 #4301 _____
Published in Idaho Enterprise _____
Dates June 26 and July 3, 1975 _____

RECEIVED

JUL 11 1975

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIM TO
A WATER RIGHT
No. 17-4023**

Notice is hereby given that Karl M. Smith, Malad, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from a ground-water source with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 15S, R. 33E, B.M., Oneida County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-

watering purposes for 200 beef cattle and 30 horses with a priority of May 1, 1955 the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, T. 15S, R. 33E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad, Idaho on June 26 and July 3, 1972.

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Paula Herald being first duly sworn on her oath, states: That she is clerk of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof the date of the first publication being the 26 day of June, 1975 the date of the last publication being the 3 day of July, 1975.

Paula Herald
Subscribed and sworn to before me this 10 day of July, 1975.

H. R. Nicolson
Notary Public, residing at Malad, Idaho

My Commission expires the 16 day of Oct, 1977.

Costs:

30 lines at 23c per line first insertion \$ 6.90

lines tabulated at 34 $\frac{1}{2}$ c per line \$

15c per line each subsequent insertion \$ 4.50

TOTAL \$ 11.40

(Rates for legal notices are fixed by Idaho law)

April 10, 1975

Mr. Karl M. Smith
Holbrook Rt.
Malad City, ID 83252

Dear Mr. Smith:

This office finds it necessary to return the 3 application for permit forms and the claim to a water right with your check No. 92-86 in the amount of \$55.00, because the filing fee was insufficient. In reviewing the applications it was noted that the application with the well listed in Section 33 required a \$25.00 filing fee instead of the \$10.00 which we discussed. All the forms appear to be in satisfactory form for advertising.

We have also enclosed a partially completed application for transfer of water right No. 17-2029. Please check it for correctness and if it meets with your approval, sign it before a Notary Public and return it with the statutory filing fee of \$30.00.

The filing fee needed for the 3 application for permit forms, the claim to a water right and the application for transfer of water right is \$100.00. Please remit this amount at your earliest convenience and we will be happy to commence processing.

Very truly yours,

BILL RHOADS
Water Resource Specialist

BR:mb

Enclosures

June 20, 1975

RE: Application for Transfer No. 17-2029
Claim to a Water Right No. 17-4023
Application for Permit No. 17-7051
" " " No. 17-7052
" " " No. 17-7053

Mr. Karl M. Smith
Holbrook Route
Malad City, Idaho 83252

Dear Mr. Smith:

Attached herewith is departmental receipt No. 4301 in the amount of \$100.00 for the above referenced applications.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

LOREN O. HOLMES
Assistant to the
District Engineer

LOH:MB

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 17-4023

Notice is hereby given that Karl M. Smith,
Malad, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from a ground-water source
with point of diversion in the NW¹/₄NW¹/₄, Sec. 16, T. 15S, R. 33E, B.M.,
Oneida County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-
watering purposes for 200 beef cattle and 30 horses
with a priority of May 1, 1955;
the place of use is within the NW¹/₄NW¹/₄, Sec. 16, T. 15S, R. 33E, B.M.

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Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad, Idaho
on June 26 and July 3, 1975

CW-H.
MB-D.
CW-H.

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R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad, Idaho on June 26 and July 3, 1975.

June 20, 1975

RE: Application for Transfer No. 17-2029 KARL M. SMITH
Claim to a Water Right No. 17-4023 "
Application for Permit No. 17-7051 "
" " " No. 17-7052 "
" " " No. 17-7053 "

Idaho Enterprise
P.O. Box 205
Malad, ID 83252

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
District Engineer

Bill submitted 7-11-75 by CW

RDC:MB

Enc: Legal Notices (5)

July 14, 1975

RE: Claim to a Water Right No. 17-4023

C
O
P
Y

Mr. Karl M. Smith
Holbrook Route
Malad, ID 83252

Dear Mr. Smith:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Enc: Copy of claim

